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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,478	06/14/2001	Geoffrey Howard Blackham	GJ-223J	7893

7590 12/28/2004
Iandiorio & Teska
260 Bear Hill Road
Waltham, MA 02451-1018

EXAMINER

LIU, MING HUN

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,478

Applicant(s)

BLACKHAM ET AL.

Examiner

Ming-Hun Liu

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,650,705 to Vetro et al.

In reference to claim 11, Vetro teaches a multi-channel image display device with low frame rate source channels forming the background, and high frame rate source channel. As shown in figure 4, the high speed real-time image processing which inserts the high frame channel image onto the background scene.

The specific claim limitations specifying at least two background channels and at least one foreground channels are not explicitly stated in Vetro's disclosure. However, according to Vetro's disclosure, several channels (column 4, lines 64-67 and column 11, lines 38-46) can be assigned to the image.

Vetro's invention could be easily adapted to recite the claimed invention by explicitly specifying particular numbers of background and foreground channels. In fact, Vetro's invention is a more general form of the claimed invention.

One skilled in the art would have been motivated to specify the limit of at least two background channels to differentiate between completely stationary and semi-stationary background areas (column 11, lines 38-46).

In reference to claim 12, it can be seen from figure 4 and column 7, line 3 that the frame rates are synchronized.

In reference to claim 13, again from figure 4, it can be seen that the high gram rate source provides partial frames.

In reference to claims 14-16, Vetro teaches on column 9, lines 1-3 and column 11, lines 38-46 that the higher frame rates are assigned to target objects.

Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,650,705 to Vetro et al. and US Patent 5,137,450 to Thomas.

In reference to claim 17, Vetro's invention is similar to the one being claimed however he does not teach the use of a head-slaved tracker to denote the area of interest.

Thomas' invention (figure 2 and column 3, lines 54-57) teaches a head slaved display device with an area of interest (item 31, figure 4).

Thomas' teaches an invention that is similar to the one disclosed by the applicant, a structural housing to display the image data. Vetro's imaging invention can be applied to Thomas' display as certainly display requires an imaging method.

It would have been obvious to one skilled in the art to combine the two invention to allow higher more accurate image representation in area's of interest without increasing the complexity of periphery images.

In reference to claim 18, Thomas teaches on column 3, lines 25-26 that is display can be used form simulation purposes.

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Response to Arguments

3. Applicant's arguments with respect to claims 11-18 have been considered but are moot in view of the new ground(s) of rejection.

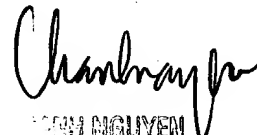
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is 703-305-8488. The examiner can normally be reached on Mon-Fri.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ming-Hun Liu


CHAU NGUYEN
EXAMINER